

ARCHITECTURAL EXAMINING BOARD[193B]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 544A.29, the Architectural Examining Board hereby gives Notice of Intended Action to amend Chapter 4, “Rules of Conduct,” Iowa Administrative Code.

The proposed amendments are a result of the five-year review of administrative rules outlined in Iowa Code section 17A.7(2). Chapter 4 describes rules of conduct. The proposed amendments update definitions; clarify provisions relating to competence, conflicts of interest, full disclosure, compliance with laws, professional conduct, and the seal of certificate; and update the terminology regarding experience.

Consideration will be given to all written suggestions or comments received on or before May 2, 2017. Comments should be directed to Lori SchraderBachar, Iowa Architectural Examining Board, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa 50309. E-mail may be sent to lori.schraderbachar@iowa.gov.

A public hearing will be held on May 2, 2017, at 2 p.m. in the Board Office, 200 E. Grand Avenue, Suite 350, Des Moines, Iowa, at which time persons may present their views on the proposed amendments either orally or in writing. At the hearing, any person who wishes to speak will be asked to give the person’s name and address for the record and to confine remarks to the subject of the proposed amendments.

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Board and advise of specific needs.

These proposed amendments were approved by the Board on March 21, 2017.

These amendments are subject to waiver or variance pursuant to 193—Chapter 5.

After analysis and review of this rule making, the Professional Licensing and Regulation Bureau determined that there will be no impact on jobs and no fiscal impact to the state.

These amendments are intended to implement Iowa Code chapter 544A.

The following amendments are proposed.

ITEM 1. Rescind the definition of “Official copy” in subrule **4.1(1)**.

ITEM 2. Adopt the following new definition of “Responsible charge” in subrule **4.1(1)**:

“Responsible charge” means the amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by a registered architect applying the required professional standard of care, including but not limited to an architect’s integration of information from manufacturers, suppliers, installers; the architect’s consultants, owners, contractors; or other sources the architect reasonably trusts that is incidental to and intended to be incorporated into the architect’s technical submissions if the architect has coordinated and reviewed such information. Other review, or review and correction, of technical submissions after they have been prepared by others does not constitute the exercise of responsible charge because the reviewer has neither control over nor detailed professional knowledge of the content of such submissions throughout their preparation.

ITEM 3. Amend subrule 4.1(2) as follows:

4.1(2) Competence.

a. No change.

b. In designing a project, an architect shall take into account all applicable state and municipal building laws and regulations. While an architect may rely on the advice of other professionals (e.g., attorneys, engineers and other qualified persons) as to the intent and meaning of the such laws and regulations, once having obtained such advice, an architect shall not knowingly design a project in violation of these laws and regulations.

c. An architect shall undertake to perform professional services only when the architect, together with those whom the architect may engage as consultants, ~~are~~ is qualified by education, training and experience in the specific technical areas involved.

d. No change.

ITEM 4. Amend subrule 4.1(3) as follows:

4.1(3) *Conflict of interest.*

a. No change.

b. If an architect has any business association or direct or indirect financial interest which is substantial enough to influence the architect's judgment in connection with the architect's performance ~~or~~ of professional services, the architect shall fully disclose, in writing, to the client or employer the nature of the business association or financial interest, and if the client or employer objects to the association or financial interest, the architect will either terminate such association or interest or offer to give up the commission or employment.

c. and d. No change.

ITEM 5. Amend subrule 4.1(4) as follows:

4.1(4) *Full disclosure.*

a. No change.

b. An architect shall accurately represent to a prospective or existing client or employer the architect's qualifications, capabilities, and experience and the scope of the architect's responsibility in connection with work for which the architect is claiming credit.

c. If, in the course of work on a project, an architect becomes aware of a decision taken by the employer or client against the architect's advice which violates applicable state or municipal building laws and regulations and which will, in the architect's judgment, adversely affect the safety to the public of the finished project, the architect shall:

1. Report the decision to the local building inspector or other public official charged with enforcement of the applicable state or municipal building laws and regulations;

2. Refuse to consent to the decisions, and;

3. No change.

d. to f. No change.

ITEM 6. Amend subrule 4.1(5) as follows:

4.1(5) *Compliance with laws.*

a. An architect shall not, in the conduct of architectural practice, knowingly violate any state or federal criminal law. A "conviction" for purposes of this paragraph and Iowa Code section 544A.13 means a conviction for an indictable offense and includes the court's acceptance of a guilty plea, a deferred judgment from the time of entry of the deferred judgment until the time the defendant is discharged by the court without entry of judgment, or other finding of guilt by a court of competent jurisdiction. A copy of the record of conviction, guilty plea, deferred judgment, or other finding of guilt is conclusive evidence. A registered architect shall notify the board of a conviction within 30 days of the conviction.

b. An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

c. No change.

d. An Iowa-registered architect shall report to the board in writing any revocation, suspension, or other disciplinary action taken by a licensing authority in any other state or jurisdiction within 30 days of the final action.

ITEM 7. Amend subrule 4.1(6) as follows:

4.1(6) Professional conduct.

a. Each office ~~maintained for the preparation of drawings, specifications, reports or other professional work~~ engaged in the practice of architecture shall have an architect resident regularly employed in that office having responsible ~~control~~ charge of such work.

b. to d. No change.

~~Failure by a registrant to adhere to these rules of conduct shall cause the registration to be reviewed by the board and shall, at the discretion of the board, be cause for a reprimand, suspension or revocation of the registration.~~

ITEM 8. Amend subrule 4.1(7) as follows:

4.1(7) Seal and certificate of responsibility.

a. to c. No change.

d. Each technical submission submitted to a ~~building official~~ client or any public agency, hereinafter referred to as the official copy, shall contain an information block on its first page or on an attached cover sheet with application of a seal by the architect in responsible charge and an information block with application of a seal by each professional consultant contributing to the technical submission. The seal and original signature shall be applied only to a final technical submission. Each official copy of a technical submission shall be stapled, bound or otherwise attached together so as to clearly establish the complete extent of the technical submission. Each information block shall display the seal of the individual responsible for that portion of the technical submission. The area of responsibility for each sealing professional shall be designated in the area provided in the information block, so that responsibility for the entire technical submission is clearly established by the combination of the stated seal responsibilities. The information block will substantially conform to the sample shown below:

S E A L	I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly registered architect under the laws of the state of Iowa.	
	<hr/>	
	Printed or typed name	
	<hr/>	
	Signature	Date
	<hr/>	
	Registration expires	Date issued
	Printed or typed name _____	
	License number _____	
	My license renewal date is June 30, _____	
Pages or sheets covered by this seal: _____		

e. to g. No change.

h. The seal appearing on any technical submission shall be prima facie evidence that said technical submission was prepared by or under the responsible ~~control~~ charge of the individual named on that seal.

ITEM 9. Amend subrule 4.1(9) as follows:

4.1(9) ~~*Intern Development Architectural Experience Program supervisor.*~~ The Architectural Experience Program supervisor, formerly known as the Intern Development Program supervisor, shall not fail to respond to a request to verify experience hours reported to the National Council of Architectural Registration Board's ~~Intern Development Architectural Experience Program~~ when requested by NCARB, the board, or a subordinate, associate, or intern who is, or has been, supervised by the ~~Intern Development Architectural Experience Program supervisor~~.